

**HOUSE . . . . . No. 487****The Commonwealth of Massachusetts**

PRESENTED BY:

**Tom Sannicandro***To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act to provide equal opportunities for special education.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tom Sannicandro	7th Middlesex
David P. Linsky	5th Middlesex
Martha M. Walz	8th Suffolk
Benjamin Swan	11th Hampden
Alice K. Wolf	25th Middlesex
Robert L. Rice, Jr.	2nd Worcester
Steven A. Tolman	Second Suffolk and Middlesex
Walter F. Timilty	7th Norfolk
William Lantigua	16th Essex
Carl M. Sciortino, Jr.	34th Middlesex
Barbara A. L'Italien	18th Essex
Frank I. Smizik	15th Norfolk
Marian Walsh	Suffolk and Norfolk
Matthew C. Patrick	3rd Barnstable
Ellen Story	3rd Hampshire
Stephen L. DiNatale	3rd Worcester
Robert L. Rice, Jr.	2nd Worcester
Patricia D. Jehlen	Second Middlesex
Marian Walsh	Suffolk and Norfolk

Geraldine Creedon	11th Plymouth
Gloria L. Fox	7th Suffolk
Kay Khan	11th Middlesex
Ellen Story	3rd Hampshire
Jennifer M. Callahan	18th Worcester
Richard J. Ross	9th Norfolk
Alice Hanlon Peisch	14th Norfolk
Theodore C. Speliotis	13th Essex
Geraldine Creedon	11th Plymouth
Garrett J. Bradley	3rd Plymouth

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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## AN ACT TO PROVIDE EQUAL OPPORTUNITIES FOR SPECIAL EDUCATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 3 of chapter 71B of the General Laws, as appearing  
2   in the 2006 Official Edition, is hereby amended by inserting after the  
3   twelfth paragraph the following paragraph:—

4   Parents, guardians or persons with custody of a student and, in the  
5   case of students with legal authority to act in their own behalf,  
6   students who have either requested a hearing before the bureau of  
7   special education appeals seeking resolution of any dispute or are  
8   parties to a proceeding initiated by a school committee at such bureau  
9   shall be entitled to reasonable attorney's fees and costs, including  
10  the costs of experts, as a prevailing party if they obtain relief on a  
11  significant claim as a result of such request, or an appeal thereof,  
12  that effects a material alteration in the parties' legal relationship,  
13  and is not merely de minimis, or if they achieve a favorable result in  
14  defense of the school committee's action, whether such relief is the  
15  result of a voluntary change in the school committee's conduct, a

16 settlement agreement, or a decision or order issued by a hearing  
17 officer or court.